

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ALEX ADAMS, §
Plaintiff, §
v. § Case No. 6:22-cv-110-JDK
SERGEANT ROBINSON, et al., §
Defendants. §

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Alex Adamas, a Texas Department of Criminal Justice inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.

Judge Mitchell issued a Report and Recommendation (Docket No. 11) recommending that Plaintiff be denied leave to proceed without prepayment—and that this case be dismissed, without prejudice, as to the refiling with contemporaneous prepayment of the full filing fee, but with prejudice as to refiling *in forma pauperis* given (1) Plaintiff's false allegation of poverty, (2) his failure to submit the required fee, and (3) his failure to prosecute his own case. A copy of this Report was sent to Plaintiff at his address, and Plaintiff filed objections late on March 31, 2023—22 days after the deadline. Docket No. 12.

Where a party timely objects to the Report, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

When objections are not filed, the Court reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Plaintiff here did not file timely objections, however, even if he had, the Court still finds that his objections are without merit. In his objections, Plaintiff complains about the prison mail room, highlights that he has filed several lawsuits, and notes that it takes eight weeks to withdraw money from his prison account. But Plaintiff does not address the substance of the Magistrate Judge's Report—namely, Plaintiff's false allegations of poverty, his failure to submit the fee, or his failure to prosecute his case.

In fact, Plaintiff's subsequent filing (Docket No. 13) confirms the accuracy of the Magistrate Judge's Report because Plaintiff highlights that he received stimulus checks and “paid” for his other lawsuits—and argues that “money should not hinder me for justice”—which confirms the finding that Plaintiff's prison trust fund account

information when he filed this lawsuit showed his ability to submit the requisite filing fee in this case. Plaintiff provides no other meritorious objections to the Report.

Having conducted a de novo review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report is correct, and Plaintiff's objections are without merit. Accordingly, the Court **OVERRULES** Plaintiff's objections (Docket No. 12) and **ADOPTS** the Report of the Magistrate Judge (Docket No. 11) as the opinion of the Court. This civil-rights proceeding is **DISMISSED**, without prejudice, as to the refiling with contemporaneous prepayment of the full filing fee—but with prejudice as to the refiling seeking *in forma pauperis* status. Any and all other motions which may be pending are hereby **DENIED**.

So ordered and signed on this

Jan 10, 2025



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE